

REMARKS

Further and favorable reconsideration is respectfully requested in view of the foregoing amendments and following remarks.

Claim 1 has been amended to recite that the process consists essentially of the recited steps, and to recite particular parts by weight of soybean protein isolate or soybean protein concentrate, fat ingredient and water. Support for these amendments is found on page 4, line 25 to page 5, line 2 and page 5, lines 13-17 of Applicants' specification. Claim 4 has been amended in order to be consistent with claim 1. Therefore, no new matter has been added to the application by these amendments.

Although these amendments are presented after final rejection, the Examiner is respectfully requested to enter and consider the amendments, as they place the application in condition for allowance.

The patentability of the present invention over the disclosures of the references relied upon by the Examiner in rejecting the claims will be apparent upon consideration of the following remarks.

Thus, the rejection of claims 1-3 and 6 under 35 U.S.C. § 102(b) as being anticipated by JP 2-100647 (JP '247) is respectfully traversed.

The Examiner takes the position that JP '647 discloses a process wherein soy milk which comprises an emulsified mixture [of] soy protein, soy fat, and water (inherently already emulsified naturally), and the addition of a coagulant in solution, to prepare a bean curd which is formed into a bag and deep fried in oil.

However, as discussed above, Applicants' amended claims require mixing emulsifying particular amounts of soybean protein isolate or soybean protein concentrate, a fat ingredient and water to obtain a dough material, and then adding a solution of a coagulant, molding the dough material and deep-frying the molded dough material.

As discussed in Applicants' previous response, the soy milk of JP '647 is simply an extract of whole soybeans. There is no teaching or suggestion in JP '647 of a positive step of mixing and emulsifying 18 to 54 parts by weight of a soybean protein isolate or soybean protein concentrate, 11 to 60 parts by weight of a fat ingredient and 100 parts by weight of water. In the presently claimed invention, tofu is not prepared from soybean milk. On the contrary, in the presently claimed invention, raw materials are admixed and

emulsified. (See Example 1 of Applicants' specification, which employs soybean protein isolate, oil and water.)

Further, as also discussed in Applicants' previous response, a main concept of Applicants' claimed invention is the addition of coagulant after the emulsification step. Specifically, in Applicants' claimed invention, a coagulant is added to a dough material, not soybean milk. As stated on page 5 of Applicants' specification, water is added at the time of preparing a dough material, and the coagulant should be added after completion of emulsification of a dough material. (See page 5, lines 13 to 25 of Applicants' specification.)

The Examiner states that the product attributes described by Applicants in the previous response would be expected in the product produced by the invention of JP '647, because the reference teaches the same essential steps. However, the reference does not teach a process as recited in Applicants' amended claims, which consists essentially of mixing and emulsifying particular amounts of soybean protein isolate or soybean protein concentrate, a fat ingredient and water to obtain a dough material, then adding a coagulant, molding the dough and deep-frying the molded dough.

For these reasons, the invention of claims 1-3 and 6 is clearly patentable over JP '647.

The rejection of claim 4 under 35 U.S.C. § 103(a) as being unpatentable over JP '647 is respectfully traversed.

The Examiner admits that JP '647 is silent regarding the ratio of coagulant to soy protein, as recited in Applicants' claim 4. The Examiner takes the position that this determination would have been well within the purview of one having ordinary skill in the art at the time of the invention.

The comments set forth above concerning JP '647 are equally applicable to this rejection. Since claim 4 is directly dependent on claim 1, the subject matter of claim 4 is patentable over JP '647 for the same reasons that the subject matter of claim 1 is patentable over this reference.

Thus, the invention of claim 4 is clearly patentable over JP '647.

The rejection of claims 1-4 and 6 under 35 U.S.C. § 103(a) as being unpatentable over JP '647 taken together with JP '659 is respectfully traversed.

The Examiner states that if it is shown that JP '647 does not inherently provide for a soy milk containing fat, protein, and water that has been emulsified, the teachings of JP '659 should be noted. Specifically, the Examiner asserts that JP '659 teaches the preparation of a bean curd by first emulsifying soy milk so that soybean protein and soybean fats contained are uniformly dispersed to give a soybean milk in a uniform colloidal state, wherein a dispersant of a stabilized aqueous solution of magnesium chloride is added to the soybean milk. The Examiner takes the position that it would have been obvious, based on the teachings of JP '659, to employ an emulsifying step followed by a solution of coagulant for the advantages of the resulting bean curd.

The comments regarding JP '647, set forth above, are applicable to this rejection as well.

As discussed in the prior response, JP '659 discloses a process for producing tofu, wherein a fat ingredient and water are added to a coagulant to prepare an emulsion. This emulsion is then added to soy milk. On the other hand, in Applicants' invention, 18 to 54 parts by weight of a soybean protein isolate or soybean protein concentrate, 11 to 60 parts by weight of a fat ingredient and 100 parts by weight of water are mixed and emulsified to prepare a dough material, followed by the addition of a coagulant. Thus, the process steps of JP '659 are completely different than Applicants' recited process.

Thus, neither JP '647, nor JP '659, nor a combination thereof, teach or suggest the limitations recited in Applicants' amended claims. For these reasons, the invention of claims 1-4 and 6 is clearly patentable over JP '647 taken together with JP '659.

The rejection of claims 1-4 and 6 under 35 U.S.C. § 103(a) as being unpatentable over Mother Earth News (1977 Article) taken together with JP '659 is respectfully traversed.

The Examiner takes the position that Mother Earth News discloses a process wherein tofu slices are deep-fried and cut to form pouches. The Examiner relies on JP '659 for the reasons set forth above. The Examiner states that it would have been obvious to one having ordinary skill in the art to have specifically employed the emulsifying step followed by a solution of coagulant for the advantages of the resulting bean curd.

As stated in Applicants' previous response, Mother Earth News fails to teach or suggest Applicants' recited method. Specifically, Mother Earth News fails to teach or suggest a process consisting essentially of emulsifying 18 to 54 parts by weight of a soybean protein isolate or soybean protein concentrate, 11 to 60 parts by weight of a fat ingredient, and 100 parts by weight of water to obtain a dough material, followed by addition of a solution of a coagulant.

JP '659 fails to remedy the deficiencies of the Mother Earth News reference. As discussed above, JP '659 discloses a process for producing tofu, wherein a fat ingredient and water are added to a coagulant to prepare an emulsion. This emulsion is then added to soy milk. On the contrary, in Applicants' claimed invention, soybean protein isolate or soybean protein concentrate, a fat ingredient and water are mixed and emulsified to obtain a dough material, followed by the addition of a coagulant. Thus, the process steps of JP '659 are completely different than Applicants' recited process.

Neither Mother Earth News, nor JP '659, nor a combination thereof, teach or suggest the limitations required by Applicants' amended claims. Thus, the invention of claims 1-4 and 6 is clearly patentable over Mother Earth News taken together with JP '659.

Therefore, in view of the foregoing amendments and remarks, it is submitted that each of the grounds of rejection set forth by the Examiner has been overcome, and that the application is in condition for allowance. Such allowance is solicited.

If, after reviewing this Amendment, the Examiner feels there are any issues remaining which must be resolved before the application can be passed to issue, the Examiner is respectfully requested to contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

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By:

A handwritten signature in black ink, appearing to read "Amy E. Schmid", written over a horizontal line.

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